IN THE
SUPREME COURT OF THE UNITED STATES

No. 72-5735

JUERGEN STENGEL,

Petitioner.

vs.

CITY OF ANAHEIM, et al., etc.

Respondent.

PETITION FOR REHEARING OF ORDER ON PETITION FOR WRIT OF CERTIORARI

I

In Massey v. United States, 291 U.S. 608, the Court stated on page 610:

> "No final judgment was rendered herein against the petitioner prior to the ratification of the Twenty-First Amendment".

II

A similarly intervening circumstance of substantial effect, controlling the judicial system, process and procedure as well as justifying its existence is believed by petitioner to exist in this case. Petitioner believes a Court to be duty-bound to either acquit or convict a properly arraigned defendant of the charges against him. Such was not the case here as set forth in the Opinion of the Court of Appeal on page 1:

"i/ Lawrence C. Feemster was served as DOE I but was not included in the verdict of the jury. No explanation appears from the record before us".

Dated: January 28, 1973

Respectfully submitted,
JUERGEN STENGEL,
Attorney for Petitioner.

Certificate

Counsel for petitioner hereby certifies that the above Petition for Rehearing of Order on Petition for Writ of Certiorari is presented in good faith and not for delay.

Counsel for petitioner further certifies that the above Petition is restricted to the grounds above specified.

Executed on January 28, 1973, at Westminster, California.

JUERGEN STENGEL,
Counsel for Petitioner.